

2008 No. 519

NATIONAL HEALTH SERVICE, ENGLAND

**The Health and Social Care Information Centre (Transfer of
Staff, Property and Liabilities) Order 2008**

Made - - - - - *27th February 2008*

Laid before Parliament *4th March 2008*

Coming into force - - - *1st April 2008*

The Secretary of State for Health makes the following Order in exercise of the powers conferred by sections 28(2) and (4) and 272(7) and (8) of the National Health Service Act 2006(a).

In accordance with section 28(7) of the National Health Service Act 2006, the Secretary of State has consulted with such bodies as he recognises as representing officers who, in his opinion, are likely to be transferred or affected by transfers in pursuance of this Order.

Citation, commencement, application and interpretation

1.—(1) This Order may be cited as the Health and Social Care Information Centre (Transfer of Staff, Property and Liabilities) Order 2008 and shall come into force on 1st April 2008.

(2) This Order applies in relation to England.

(3) In this Order—

“desktop” means a personal computer, other than a laptop, including its central processing unit, screen, keyboard and mouse;

“the Information Centre” means the Health and Social Care Information Centre(b);

“Smedley Hydro” means the premises at Smedley Hydro, Trafalgar Road, Southport, Merseyside PR8 2HH;

“the transfer date” means 1st April 2008.

Transfer of staff

2.—(1) This article applies in relation to any person who—

(a) immediately before the transfer date was an employee of the Secretary of State; and

(b) immediately before 31st March 2008 had been an employee of the Office for National Statistics working wholly or mainly in the NHS Central Register section of the Office for National Statistics at Smedley Hydro and who was notified in writing on or before 25th February 2008 that that person was to be transferred to the Information Centre.

(a) 2006 c.41.

(b) Established by S.I. 2005/499.

(2) Any person to whom this article applies shall, on the transfer date, be transferred to the employment of the Information Centre.

(3) The contract of employment of an employee transferred under paragraph (2)—

- (a) is not terminated by the transfer; and
- (b) shall have effect on and after the transfer date as if originally made between that employee and the Information Centre.

(4) Without prejudice to paragraph (3)—

- (a) all the rights, powers, duties and liabilities of the Secretary of State under, or in connection with, a contract to which that paragraph applies shall, by virtue of this article, be transferred to the Information Centre on the transfer date; and
- (b) anything done before that date by, or in relation to, the Secretary of State or the Office for National Statistics in respect of that contract or that employee, shall be deemed on and after the transfer date to have been done by, or in relation to, the Information Centre.

(5) Paragraphs (2) to (4) are without prejudice to any right of any employee to terminate that employee's contract of employment if a substantial and detrimental change is made to that employee's working conditions, but no such right shall arise by reason only of the change in employer effected by this article.

(6) Paragraphs (2) to (4) do not transfer an employee's contract of employment, or the rights, powers, duties and liabilities under or in connection with it, if that employee has objected to the transfer to the Information Centre and had informed the Secretary of State of that objection by or on 31st March 2008.

(7) Where an employee has objected as mentioned in paragraph (6), that employee's contract of employment with the Secretary of State shall be terminated immediately before the transfer date, but the employee shall not be treated, for any purpose, as having been dismissed by the Secretary of State.

Enforceability of rights and transfer of property

3.—(1) The property of the Secretary of State set out in the Schedule shall on the transfer date be transferred to the Information Centre.

(2) Any right or liability relating to the property listed in the Schedule that was—

- (a) immediately before the transfer date, enforceable by or against the Secretary of State; and
- (b) immediately prior to the 31st March 2008, enforceable by or against the Office for National Statistics,

shall on and after the transfer date be enforceable by or against the Information Centre.

Signed by authority of the Secretary of State for Health.

27th February 2008

Ben Bradshaw
Minister of State,
Department of Health

SCHEDULE

Article 3(1)

Schedule of property of the Secretary of State to be transferred to the Information Centre

PART 1

Printers, scanners, readers and faxes

149 smartcard readers located in rooms A03, B108, A102 and the training rooms at Smedley Hydro.

23 printers located in rooms A03, B108, A102 and the training rooms at Smedley Hydro.

9 Canon 100 microfiche readers located in rooms A103, B108, the maids gallery and basement room 9 at Smedley Hydro.

6 Canon 500 film scanners located in rooms B108, the maids gallery and basement room 9 at Smedley Hydro.

6 Canon 400 file printers located in rooms B108, the maids gallery and basement room 9 at Smedley Hydro.

2 Canon 100 scanners located in the maids gallery at Smedley Hydro.

1 Canon 100 fileprinter located in the maids gallery at Smedley Hydro.

5 Wondervue film readers located in the maids gallery and basement room 9 at Smedley Hydro.

1 Panafux UF550 fax machine located in room A03 at Smedley Hydro.

1 Brother 8250P fax machine located in room B108 at Smedley Hydro.

PART 2

Computers

161 desktops located in rooms A03, A102, B108, the maids gallery and the training rooms at Smedley Hydro.

PART 3

Miscellaneous Assets

152 telephones located in rooms A03, A101, A102, B108, B108a, the maids gallery and the training rooms at Smedley Hydro.

2 answerphones located in room B108 at Smedley Hydro.

1 shredder located in room B108 at Smedley Hydro.

1 projection screen located in room A102 at Smedley Hydro.

1 polycom audipod located in room B108A at Smedley Hydro.

1 credit card machine located in room B108 at Smedley Hydro.

2 Optima projectors located in room A102 at Smedley Hydro.

PART 4

Records

NHS Central Registers dated from 1939 to 1991

EXPLANATORY NOTE

(This note is not part of the Order)

This Order transfers staff, property, rights and liabilities from the Secretary of State for Health to the Health and Social Care Information Centre.

A full regulatory impact assessment has not been produced for this instrument as it has no impact on the private and voluntary sectors.

£3.00

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